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OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

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JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

The Honorable Larry H. Keener
State Senator 10th District
816 Chestnut Street
Gadsden, Alabama 35901

Judges - Salaries - Courts

Under authority of Act No.
80-573, the circuit judges of
the Sixteenth Judicial Circuit
are entitled to the supplemental
increase prescribed by Act No.
81-989.

Dear Senator Keener:

You have asked the opinion of this office regarding the following matter: "[Whether] Act No. 80-573 contains language which has the effect of causing Etowah County Circuit Judges to be entitled to the supplement provided for in Act No. 81-989." We conclude that it does.

Section 1 of Act No. 80-573, Acts of Alabama 1980, page 886, which applies only to the Sixteenth Judicial Circuit (Etowah County), provides:

Each circuit judge of the sixteenth judicial circuit shall be entitled to receive the maximum county salary supplement allowed by law in section 12-17-30 of the Code of Alabama (1975) for circuit judges in this state and each judge in said circuit shall hereafter be entitled to automatically receive without further legislative action, any increase in the amount of such supplement which results from any amendment to said Code section or passage of any Act of the legislature which supersedes said Code section.

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Code of Alabama (1975), §12-17-30 provides in pertinent part: "(c) Any salary supplement received by any circuit judge or district attorney which now exceeds \$11,000, or because of the enactment of this section will exceed such sum, is hereby reduced to the sum of \$11,000." Act No. 81-989, 1981 Special Session, approved August 21, 1981, on the other hand, sets an additional salary supplement for the circuit judges of the Tenth Judicial Circuit (Jefferson County): specifically, a "sum equal to 40% of the salary paid each of said Judges by the State of Alabama."

Act No. 80-573 provides that circuit judges in the Sixteenth Judicial Circuit are automatically entitled to receive the supplemental increase resulting from any amending or superseding act. Since the legislature employed such specific albeit broad terms, we can only conclude that Act No. 81-989, which does amend the general law, has the effect of increasing the salary supplement of circuit judges in the Sixteenth Judicial Circuit as well as the Tenth Judicial Circuit.

Very truly yours,

CHARLES A. GRADDICK
Attorney General
By -

Marda Walters Sydnor

MARDA WALTERS SYDNOR
Assistant Attorney General

MWS/fd